

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WILLIAM G. McQUADE,

Plaintiff

Vs.

CIVIL ACTION NO. 1:04-cv-10975-  
RWZ

NATIONAL RAILROAD  
PASSENGER CORPORATION,

Defendant

JOINT SCHEDULING STATEMENT

The parties in the captioned action, by their attorneys, submit the following joint scheduling statement pursuant to the provisions of Fed. R.C.P. 16(b) and Local Rule 16.1. An initial scheduling conference will be held at 2:30 P.M. on August 12, 2004.

I. Obligation of Counsel to Confer:

Counsel for the parties have conferred, in good faith, in accordance with the provisions of Local Rule 16.1. Discovery is proceeding in accordance with Local Rule 26 and this Court's Notice of Scheduling Conference dated June 24, 2004. Counsel have agreed to explore the possibilities of alternative dispute resolution upon the completion of discovery.

Counsel also certify that they have conferred with their respective clients concerning those matters mentioned in Local Rule 16.1 (D) (3) prior to the scheduling conference and will be each filing with

the Court certifications signed by counsel and authorized representatives of each party.

II. Proposed Joint Discovery Plan:

This is a personal injury case brought by the Plaintiff pursuant to the Federal Employer' Liability Act (FELA), 45 U.S.C. Sec. 51-60, the Federal Safety Appliance Acts, 45 U.S.C. Sec. 1-16 and the Boiler Inspection Acts, 45 U.S.C. Sec. 22-34, wherein the claims to suffer from occupational carpal tunnel syndrome and occupational lung disease as a result of his alleged exposure to occupational risk factors for carpal tunnel syndrome and lung disease while employed by the Defendant. Pursuant to Fed. R.C.P. 16(b) and Local Rule 16.1(F), the parties propose the following discovery schedule:

A. Phase One:

1. The parties will exchange documents required by the automatic disclosure provisions of Rule 26.2 within thirty-one (31) days of the date of the Scheduling Conference.
2. Motions to amend and/or supplement the pleadings, including motions to add parties, no later than November 1, 2004.
3. All written discovery to be completed by March 1, 2005.

4. All non-expert depositions to be completed by July 1, 2005.

B. Phase Two:

1. The plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R.C.P. 26(a)(2)(B) by March 31, 2005.

2. The defendants will identify its expert witnesses and make the expert disclosures required by Rule 26(a)(2) by April 30, 2005.

3. All expert depositions to be completed by July 30, 2005.

4. All discovery to be completed by August 31, 2005.

III. Filing of Motions:

All dispositive motions and/or motions for summary judgment will be filed by September 30, 2005.

IV. Agenda of Matters to be discussed:

The parties have conferred in compliance with Local Rule 16.1(B) (1) and prepared the following proposed agenda of matters to be discussed at the Initial Scheduling Conference:

1. The identification of principal issues in contention and issues of fact and law not reasonably in dispute.
2. The parties' joint discovery plan
3. The status of settlement discussions

4. The parties' willingness to consent to trial by Magistrate Judge.

Respectfully submitted,

By: 

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